

# EXHIBIT D

Email Correspondence  
dated December 28, 2015

9/27/2017

Valerio Dewalt Train Associates, Inc. Mail - Re: Pittsfield Hotel Permits

Mon, Dec 28, 2015 at 8:40 AM

Anthony Casaccio <acasaccio@schainbanks.com>

To: Adam David Lynd <adl@theenv.com>, "A.J. Manaseer" <aj@theenv.com>

Cc: Lewis Borsellino Jr <lewis.borsellino.jr@gmail.com>, Steve Droll <SDroll@buildordie.com>, David Kaminski <dkaminski@daspinaument.com>, Tim Schaum <TSchaum@daspinaument.com>, Lesley Magnabosco <lmagnabosco@schainbanks.com>, Jonathan <jdavino1@gmail.com>, Anthony Casaccio <acasaccio@schainbanks.com>

Adam –

I am at the airport now headed out of town for a funeral/memorial for my wife's grandmother in Philadelphia. I will be working on the flight but I am not sure when I will be able to access my computer again after I land.

What time is your meeting with Robert tomorrow, I will work with Lesley to get you guys a response as soon as possible.

To summarize, you are looking for an email with respect to:

- Permissible use(s) of the building under the current DX-16 zoning, i.e.
  - What happens if the owner wants to change floors 2-9 from the currently vacant residential use, into a hotel
  - Since the hotel use is permitted under the current DX-16 zoning classification, is there anything the Alderman can do to stop someone from converting floors 2-9 to a hotel.
  - If Sellers actually pursue construction/renovation work to convert 2-9 into a hotel, how long is the process, what else is required by the city (i.e. city department approvals from zoning, landmarks, etc), what effect does that have (if any) on the remaining units in the building
- What changes in the current building's use would trigger the necessity of a PD?
  - From the information we have seen online, the city recognizes 253 dwelling units (DU), however the attached unit breakdown shows 368 units.

Please add any other questions you would like for us to answer for you.

Best,

ANTHONY V. CASACCIO

acasaccio@schainbanks.com

D. 312.345.5739

P. 312.345.5700

F. 312.345.5701

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SCHAIN BANKS KENNY & SCHWARTZ LTD

**From:** Adam David Lynd [mailto:adl@theenv.com]

**Sent:** Sunday, December 27, 2015 10:39 PM

**To:** A.J. Manaseer

**Cc:** Anthony Casaccio; Lewis Borsellino Jr; Steve Droll; David Kaminski; Tim Schaum; Lesley Magnabosco; Jonathan

**Subject:** Re: Pittsfield Hotel Permits



VDTA000391

9/27/2017

Valerio Dewalt Train Associates, Inc. Mail - Re: Pittsfield Hotel Permits

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 **Unit Breakout Pittsfield Building.pdf**  
307K

Adam David Lynd <adl@theenv.com>

Mon, Dec 28, 2015 at 9:00 AM

To: Anthony Casaccio <acasaccio@schainbanks.com>

Cc: "A.J. Manaseer" <aj@theenv.com>, Lewis Borsellino Jr <lewis.borsellino.jr@gmail.com>, Steve Droll <SDroll@buildordie.com>, David Kaminski <dkaminski@daspinaument.com>, Tim Schaum <TSchaum@daspinaument.com>, Lesley Magnabosco <lmagnabosco@schainbanks.com>, Jonathan <jdavino1@gmail.com>

Anthony,

Answer all these and the main focus is that he says on January 31 they will have permits pulled to start construction on hotel from 2-9. Which means they are converting from Office to hotel. What do I tell him as far as what is left for us to do in the process if we buy it that he doesn't understand.

When we are done and go to get the c of o what happens to us

On Dec 28, 2015, at 7:40 AM, Anthony Casaccio <acasaccio@schainbanks.com> wrote:

Adam –

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VDTA000392

9/27/2017

Valerio Dewalt Train Associates, Inc. Mail - Re: Pittsfield Hotel Permits

P. 312.345.5700

F. 312.345.5701

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<Unit Breakout Pittsfield Building.pdf>

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Steve Droll <sdroll@buildordie.com>

Mon, Dec 28, 2015 at 9:40 AM

To: Anthony Casaccio <acasaccio@schainbanks.com>

Cc: Adam David Lynd <adl@theenv.com>, "A.J. Manaseer" <aj@theenv.com>, Lewis Borsellino Jr <lewis.borsellino.jr@gmail.com>, David Kaminski <dkaminski@daspinaument.com>, Tim Schaum <TSchaum@daspinaument.com>, Lesley Magnabosco <lmagnabosco@schainbanks.com>, Jonathan <jdavino1@gmail.com>

Anthony-

I recall from our first meeting in your office that a certain scope of work requires review and approval from the Plan Commission since the building is located within the Public Lakefront Zone. In addition to the PD triggers, I think it would be important to identify the threshold of work that triggers Plan Commission review and approval as the time frame for that approval is essentially the same as a PD.

I am out of the office this week but can be available via email or cell if anyone needs anything from VDTA.

Thanks,

Stephen Droll  
Principal  
Valerio Dewalt Train  
847.366.8360 mobile  
312.260.7349 direct office

On Dec 28, 2015, at 8:40 AM, Anthony Casaccio <acasaccio@schainbanks.com> wrote:

Adam –

I am at the airport now headed out of town for a funeral/memorial for my wife's grandmother in Philadelphia. I will be working on the flight but I am not sure when I will be able to access my computer again after I land.

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Please add any other questions you would like for us to answer for you.

VDTA000393

9/27/2017

Valerio Dewalt Train Associates, Inc. Mail - Re: Pittsfield Hotel Permits

Best,

ANTHONY V. CASACCIO

acasaccio@schainbanks.com

D. 312.345.5739

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<image001.jpg>

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<Unit Breakout Pittsfield Building.pdf>

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Adam David Lynd <adl@theenv.com>

Mon, Dec 28, 2015 at 12:32 PM

To: Steve Droll <sdroll@buildordie.com>

Cc: Anthony Casaccio <acasaccio@schainbanks.com>, "A.J. Manseer" <aj@theenv.com>, Lewis Borsellino Jr <lewis.borsellino.jr@gmail.com>, David Kaminski <dkaminski@daspinaument.com>, Tim Schaum <TSchaum@daspinaument.com>, Lesley Magnabosco <lmagnabosco@schainbanks.com>, Jonathan <jdavino1@gmail.com>

Thanks Steve

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Anthony Casaccio <acasaccio@schainbanks.com>

Mon, Dec 28, 2015 at 12:43 PM

To: Adam David Lynd <adl@theenv.com>, "Tim Schaum (TSchaum@daspinaument.com)" <TSchaum@daspinaument.com>, Lesley Magnabosco

<lmagnabosco@schainbanks.com>, "lb@theenv.com" <lb@theenv.com>, "Aj Manseer (aj@theenv.com)" <aj@theenv.com>

Cc: "David Kaminski (dkaminski@daspinaument.com)" <dkaminski@daspinaument.com>, "Steve Droll (SDroll@buildordie.com)" <SDroll@buildordie.com>, Anthony Casaccio <acasaccio@schainbanks.com>

Adam –

FYI...below is a brief response I sent to David earlier today upon my review of both complaints.

As I mentioned this morning, I am tied up today with the memorial but I'll do my best to respond to or provide additional information for your meeting with Robert. Lesley has been tied up this morning as well but we will get back to you with the information provided in the attached email.

Best,

ANTHONY V. CASACCIO

acasaccio@schainbanks.com

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VDTA000394

9/27/2017

Valerio Dewalt Train Associates, Inc. Mail - Re: Pittsfield Hotel Permits

**From:** Anthony Casaccio  
**Sent:** Monday, December 28, 2015 10:57 AM  
**To:** Kaminski, David  
**Cc:** Schaum, Tim; Lesley Magnabosco; Anthony Casaccio  
**Subject:** RE: Pittsfield Hotel Permits

David –

In reviewing your Pittsfield complaint, please note the following:

- Line 8
  - A hotel use is permissible as of right under the current DX-16 zoning designation
- Line 12 – you bring up a good point here given the fact that the building permit applications were not submitted until December 9<sup>th</sup> (see attached)
  - If possible, try to request/demand a complete copy of the documents/plans they submitted with their building permit application.
  - That said, please review the 4<sup>th</sup> attachment, specifically, application #100521398 with respect to the April 2014 application to building permits to “CONVERT EXISTING DWELLING UNITS TO HOTEL SUITES AT FLOORS: 18TH, 19TH, 20TH AND 21ST ONLY AS PER PLANS.”
- Line 16 – to clarify, Alderman Reilly said that he would not support a hotel use within a PD. However, you are correct in that no permits were issued or pending as of the mid-September meeting with respect to floors 2-9. Also, I tried to obtain information on the above referenced application #100521398 and it appears as though this application expired.
  - It is true that Alderman Reilly stated that the PD process would be necessary if he wanted to add any units beyond the existing 253, which, the offering memorandum incorrectly states as having 368 approved dwelling units.
- Line 25 – this is not necessarily true, in theory, a hotel use is permissible under the DX-16.

Lesley – please correct me if I am wrong in the information provided in this email.

Best,

ANTHONY V. CASACCIO

acasaccio@schainbanks.com

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**From:** Kaminski, David [mailto:dkaminski@daspinaument.com]  
**Sent:** Monday, December 28, 2015 9:30 AM  
**To:** Anthony Casaccio  
**Cc:** Schaum, Tim; Lesley Magnabosco  
**Subject:** RE: Pittsfield Hotel Permits

VDTA000395

9/27/2017

Valerio Dewalt Train Associates, Inc. Mail - Re: Pittsfield Hotel Permits

Anthony, attached are the two complaints (one for each seller, i.e. Pittsfield (the first floor, retail, office space), and Fornelli (residential section). I am attaching Word versions since I expect Word will open easier/quicker for you than a PDF of the filed copy since you are working remotely via Wifi.

David P. Kaminski

*Partner*

Daspin & Aument, LLP  
227 W. Monroe Street, Suite 3500  
Chicago, IL 60606  
Phone: 312.258.3765

Cell: 312.203.4523  
Fax: 312.258.1955  
E-Mail: dkaminski@daspinaument.com

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**From:** Anthony Casaccio [mailto:acasaccio@schainbanks.com]  
**Sent:** Monday, December 28, 2015 8:42 AM  
**To:** Kaminski, David  
**Cc:** Schaum, Tim; Lesley Magnabosco; Anthony Casaccio  
**Subject:** RE: Pittsfield Hotel Permits

David – you mentioned that he lawsuit is based upon a claim of fraud, would you be able to send me a copy of the complaint, it may help in guiding us with the specific information you are looking for.

In response to your question below, “as of right” means that the owner or developer’s specific intended use is permissible under the zoning designation of a property.

For example, a hotel use is permissible under the DX-16 zoning designation (see attached).

I am boarding my plane right now but I should have internet access during the flight.

Best,

ANTHONY V. CASACCIO

acasaccio@schainbanks.com

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VDTA000396